

Application Serial Number 10/099,881
Response to Office Action
Dated August 31, 2005

REMARKS / DISCUSSION OF ISSUES

Claims 1-18 are pending in the application upon entry of the present amendment. Claims 1 and 11 are the independent claims.

Rejections Under 35 U.S.C. § 112

The rejection of claim 6 under the second paragraph of the noted section of the Code is moot in view of the present amendment.

Rejections Under 35 U.S.C. § 102

Claims 1-18 were rejected under 35 U.S.C. § 102(e) as being anticipated by *Treyz* (U.S. Patent 6,587,835). For at least the reasons that follow, it is respectfully submitted that the pending claims are allowable over the applied art.

At the outset, the undersigned notes that the reference to *Treyz* is 158 pages in length. While every attempt has been made to review the reference in preparation of the present Reply, it can be appreciated that reviewing a reference so voluminous is a difficult task. Accordingly, particular attention was paid to those portions of the reference cited in the Office Action.

A proper rejection for anticipation requires, as the first step in the inquiry, that all the elements of the claimed invention be described in a single reference. A necessary corollary to the test of anticipation is that the absence from the reference of any claimed element negates anticipation.

Claim 1 features:

*"...a second transmitter beacon device adapted to: receive identification information of the wireless receiver that is transferred from the first beacon device; and to **transmit to the wireless receiver.**"*

Claim 11 includes an analogous feature.

The Office Action attempts to equate the providing of identifying information input by the user of the computing device 12 to a cash register network by a shopping assistance service disclosed in *Treyz* to the second

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beacon transmitter that receives the identification information of the wireless network as featured in the independent claims. The shopping assistance service is not a second beacon and does not transmit to the wireless receiver. (Kindly refer to column 36, lines 1-51 and column 13, lines 13-24 of the applied reference for support for the above assertions.)

For at least the reasons set forth above, it is respectfully submitted that the applied art fails to disclose at least one of the features of each of independent claims 1 and 11. As such, a *prima facie* case of anticipation based on *Treyz* cannot properly be made. Therefore claims 1 and 11 are patentable over the applied art. Furthermore, claims 2-10 and 12-18 which depend from claims 1 and 11, respectively, are also patentable over the applied art at least because of their dependence on the independent claims.

Conclusion

In view of the foregoing, applicant(s) respectfully request(s) that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies to charge payment or credit any overpayment to Deposit Account Number 50-0238 for any additional fees under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17.

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